

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 6th day of September 2005 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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|-------------------|----------------------------|
| Krista Dunn, | Council Chair |
| Pat Griffiths, | Council Member |
| Jim Brass, | Council Member - Conducted |
| Robbie Robertson, | Council Member |
| Jeff Dredge, | Council Member |

Others who attended:

| | |
|----------------------|--------------------------|
| Daniel Snarr, | Mayor |
| Jan Wells, | Chief of Staff |
| Frank Nakamura, | City Attorney |
| Shannon Huff Jacobs, | Council Director |
| Carol Heales, | City Recorder |
| Doug Hill, | Director, Public Service |
| Dennis Hamblin, | Community Development |
| Gil Rodriguez, | Fire Chief |
| Randy Willden, | Battalion Chief |
| Dustin Matsumori, | Financial Consultant |
| Jim Matsumori, | Financial Consultant |
| Boy Scouts, | Troop #98 |
| Murray Citizens | |

Jim Brass conducted meeting.

A. OPENING CEREMONIES

1. Pledge of Allegiance

Dustin Matsumori

Mr. Brass, Council Chair, said there is a custom at the Council Meetings to have all the Scouts & Scout Masters introduce themselves and state what merit badge they are working on.

Each Scout introduced themselves and noted what merit badge they were working on. The Scout Master introduced himself also.

2. Approval of Minutes

Ms. Dunn made a motion to approve minutes of August 9th & August 16th, with corrections.

Ms. Griffiths 2nd the motion.

All ayes.

3. Special Recognition

- a. Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah in support and recognition of September 2005, as ***National Prostate Cancer Awareness Month*** and October 2005, as ***National Breast Cancer Awareness Month***.

Mr. Brass read the Joint Resolution.

Mr. Robertson made a motion to adopt Joint Resolution.

Mr. Dredge 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

Ms. Griffiths noted on October 6, 2005 there will be an amicus event that will address breast cancer and there are two very fine doctors from IHC addressing this topic. If anyone is interested in attending, please let her know and you will be invited to attend as her guest.

Mayor Snarr stated he has attended those meetings where they have had some fine doctors come in and talk about early detection.

Mayor Snarr continued, when he attended the National Mayor's Conference he read a public announcement about early detection which will be broadcast over some the public radio stations.

Mt. Brass presented the Joint Resolution to Mayor Snarr, who presented it to Jan Wells, Chief of Staff. Mayor Snarr encouraged all employees to be aware of early detection.

B. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)

None

C. CONSENT AGENDA

1. Consider confirmation of the Mayor's appointment of Newel Standley to the Historic Preservation Advisory Board, representing District 5, for a term expiring August 1, 2008.

Ms. Dunn made a motion to approve the appointment.

Ms. Griffiths 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

D. PUBLIC HEARING(S)

PUBLIC HEARING

6:45 p.m.

#1054

**Consider an Ordinance amending
Sections 17.136.020(B) of the
Murray City Municipal Code
relating to Land Use; classifying
as a permitted use, Massage Therapy
in the General Office District.**

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

**Consider an Ordinance amending Sections 17.136.020(B) of the
Murray City Municipal Code relating to Land Use; classifying as a
permitted use, Massage Therapy in the General Office District.**

Staff Presenter: Dennis Hamblin

Mr. Hamblin noted they received a letter by way of petition from Michelle Barney who has an office on East 4800 South in a General Office zone for Massage Therapy. As Planning and Zoning reviewed the Ordinance, they determined that Massage Therapy use was not one the uses allowed in that zoning district. Her letter was given to the Planning Commission to amend the G-O zoning to allow Massage Therapy in the district.

The Planning Commission on July 21, 2005, reviewed the application they have and sent it to the Council with a positive recommendation to make the requested change, with a 7-0 vote.

Sponsor: Michelle Barney, 1108 East Webster Drive, Sandy, UT

Ms. Barney noted she does massage therapy in Murray City and they are looking to expand in the area. The zoning amendment will give her more options and opportunities with different locations.

Ms. Barney continued, Massage Therapists are licensed through the DOPL (Department of Professional Licensing) and are required to have 600 hours of schooling to become a licensed therapist. There are laws and rules they abide by, just like any doctor or physical therapist or attorney. They provide occasional out-call services where they will take their equipment to out-call events. Most of their clients come into the office.

PUBLIC COMMENT

Barbara Belnap, 5630 Waterbury Way, Salt Lake City, UT

Ms. Belnap noted they are here for the same reason, because they have a sister building 15' north that is licensed for Massage Therapy and evidently she asked the Massage Therapists to take one of her offices because she has rented them to chiropractors, and she was told her building is zoned for them but the other one is not. She wanted to know if her issue is part of this one or if this is a separate one.

Mr. Brass asked Mr. Hamblin if he has any answers for this one.

Dawn Woodward, 7752 Pioneer Street, Midvale, UT

Ms. Woodward is trying to start a business at 5630 Waterbury Way. When she applied for her business license on July 3rd, she was told approximately a week later that the area is not zoned for Massage Therapy and it will be going before the Zoning Board.

Mr. Nakamura noted this is allowing Massage Therapy as a permitted use in all General Office Zones.

Mr. Brass stated if it passes the use will be permitted.

Mr. Nakamura noted you will have to check with Dennis Hamblin to make sure it is a General Office Zone.

Greg Witner, 1871 East Meadow Drive, Salt Lake City, UT

Mr. Witner, represents Prowswood Commercial Realty, who manages Waterbury. He is here in support of the permitted use. He understands, if it passes any Massage Therapist in General Office will be permitted.

Waterbury was annexed in March. Mr. Witner said he appreciates all of your work.

PUBLIC HEARING CLOSED

- b. **Council consideration of the above matter to follow Public Hearing.**

Mr. Dredge made a motion to adopt the amendment to the zoning ordinance.

Ms. Dunn 2nd the motion

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

PUBLIC HEARING
#1055
6:55 P.M.
Consider an Ordinance amending
Section 17.04.180 of the
Murray City Municipal Code
relating to Land-Use Application Fees.

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

Consider an Ordinance amending Section 17.04.180 of the Murray City Municipal Code relating to Land-Use Application Fees.

Staff Presentation: Dennis Hamblin

Mr. Hamblin noted this proposal appeared before the Planning Commission on July 21st. The current ordinance, authority is established by the Municipal Council. The change would give that authority to the Mayor to establish reasonable fees for land use applications, without having to come to the Council.

This matter was reviewed by the Planning Commission and comes with a favorable recommendation with a 7 to 0 vote.

Mr. Nakamura noted there is a limitation, but it is only to defray costs. The schedule must be based on defraying the costs of whatever the particular fee covers. It is not for unlimited authority and cannot be arbitrary.

Mr. Hill commented it is the intent of the Public Services Department to recommend to the Mayor, fee increase over land use fees as they currently exist. Since LUDMA (Land Use Management Act) we have additional publishing requirements that require that we put things in the newspaper and advertise them more often. Right now the fees that we charge would not cover the cost of the advertisements in the newspapers. If you approve this tonight what we will be doing is recommending to the Mayor that we increase the fees to cover the costs primarily of advertising and postage costs associated with noticing requirements.

Ms. Griffiths asked Mr. Hill about the low fees.

Mr. Hill noted it is our intent to keep the fees as affordable as possible so we don't impact economic development in the City. It is not our intent to make a profit off of this or to charge for things that we are not actually out of pocket.

PUBLIC COMMENT

PUBLIC COMMENT CLOSED

- b. Council consideration of the above matter to follow Public Hearing.

Ms. Griffiths made a motion to amend Section 17.04.180 of the Murray City Municipal Code relating to Land-Use Application Fees.

Mr. Robertson 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

A Ms. Griffiths
A Ms. Dunn
A Mr. Dredge
A Ms. Robertson
A Ms. Brass

Motion passed unanimously.

E UNFINISHED BUSINESS

None scheduled.

F. NEW BUSINESS

1. Consider a Resolution authorizing the execution and delivery of an Escrow Agreement between the City, Zions First National Bank, as Escrow Agent and Trustee, and IHC Health Services, Inc., a Utah Nonprofit Corporation, providing for the establishment of a Trust Fund for the payment of the City's Hospital Revenue Bonds, Series 1996 (IHC Health Services, Inc.); repealing all ordinances, resolutions or portions thereof in conflict with the provisions hereof; and related matters.

Presentation: Dustin Matsumori

Mr. Matsumori stated in 1996 IHC issued through the City as a conduit issuer approximately \$72 Million in bonds to finance both health facility areas and also health facilities throughout other counties throughout the state. This request has come about because of the market conditions. It has become in IHC's best interests to retire or redeem those bonds.

The resolution which the Council has before them asking for approval since Murray is the legally issuing entity for those bonds, although IHC is held accountable for payment of those bonds. It is requisite that IHC ask for Murray City's approval as issuer of those bonds that they can therefore go out and purchase the necessary securities to retire those bonds. The resolution will give the Mayor the appropriate authority to sign the escrow agreement which then gives IHC the authority they need to purchase and move forward with the escrow establishment.

Ms. Griffiths made a motion for adoption of the resolution explained to them as drafted.

Mr. Dredge 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

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2. Consider a Resolution indicating the intent of the City to adjust the common boundary with Taylorsville City at approximately 1300 West Winchester Drive.

Staff Presentation: Doug Hill

Mr. Hill noted the City of Taylorsville has requested from Murray City and West Jordan City to do a boundary adjustment at the area of 1300 West & 6400 South. At that location the Taylorsville boundary zigs and zags and Taylorsville's interest is to square those boundaries. They want to essentially get rid of everything south of 6400 South. That would mean that Murray City would pick up a portion south of Winchester Street, then east of 1300 West. West Jordan would be on the west side of 1300 West and they would pick up the remaining parcels.

Taylorsville City passed a resolution of intent saying they want to do this and they have set a public hearing in October where they will make this official. We are asking the Council to approve a resolution of intent to also let Taylorsville know that we are moving in this direction and then after Taylorsville has their public hearing, then the Council can set a public hearing to make it official on Murray's side. After all the parties are finished with their public hearings, the boundaries will be adjusted.

Ms. Dunn made a motion indicating the intent of the City to adjust the common boundary with Taylorsville City at approximately 1300 West Winchester Drive.

Ms. Griffiths 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

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3. Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for receipt by the City of Tier II “Zoo, Arts, and Parks” Funds.

Staff Presentation: Doug Hill

Mr. Hill indicated Murray City applied for funds from the “Zoo, Arts and Parks” program, known as the ZAP program, for cultural art’s program. Murray City received an award of \$32,000. This money will go to offset many of the cultural activities that Murray City provides the citizens. The agreement which you have stipulates how we will use those funds and states the City will give some recognition to the ZAP Program in our advertising.

This is an Interlocal Agreement with Salt Lake Council which administers the ZAP fund. If you approve the resolution, we will get the Mayor to sign the agreement and send it over to Salt Lake County, who will then send us a check for \$32,000.

Mr. Robertson made a motion to accept the Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for receipt by the City of Tier II “Zoo, Arts, and Parks” Funds.

Ms. Griffiths 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

4. Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement between the Murray School District and Murray City Corporation to construct, use and maintain a parking lot at Riverview Junior High School for Community Recreation Programs and School activities.

Staff Presentation: Doug Hill

Mr. Hill noted the City Council budgeted \$50,000 at budget time for construction of a parking lot at Riverview Jr. High School. The parking lot will primarily benefit the school district but will also benefit those that use Riverview Jr. High School for recreation programs such as the Murray Girls Softball Program as well as the Murray Youth Conference Program.

This is an agreement between Murray City and the School District which will allow us to begin construction of this parking lot, and outlines who builds it, Murray City, and who maintains it, Murray School District. They would like to start this project next Monday. It will add approximately 60 parking stalls in the area. Mr. Hill noted there will be enough money that they will be able to pave the area to the west of softball diamonds with asphalt, which now is just ground up asphalt. Along with those improvements and they plan on putting an extension of curb gutter and sidewalk the remaining length of Tripp Lane, which should be a benefit to the homeowners.

That project should be completed this fall and available for use in the spring by the softball program.

The school district will benefit from this project because it will give them an additional 60 parking stalls for large events..

Ms. Dunn made a motion for adoption of the resolution authorizing the execution of an Interlocal Cooperation Agreement between the Murray School District and Murray City Corporation to construct, use and maintain a parking lot at Riverview Junior High School for Community Recreation Programs and School activities.

Mr. Robertson 2nd the motion.

5. Consider a Resolution authorizing Qwest to offset, against the required Municipal Telecommunications License Taxes owed to the City, \$3,157.35 a month for 12 months beginning September 1, 2005 in order to recover an overpayment.

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that effective July 1, 2004, the legislature passed the Municipal Telecommunications License Tax Act. It was meant to apply to telephone services. However, during the year the Utah Tax Commission had charged the tax, not only to the basic telephone services, but to other services, Qwest sold bundled.

The issue came to the attention of Qwest who offered the City two options. The options were for the City to refund the total of \$37,888 or do an offset for a twelve-month period of time. The finance director wanted to do it over that a period of time. In order to do an offset from monies owed to the City, it must receive approval from the legislative body. What is before the Council is to allow for that offset over twelve months of \$3,157.35 from the tax that is owed to the City from Qwest.

Ms. Griffith made a motion to adopt the resolution authorizing Qwest to offset, against the required Municipal Telecommunications License Taxes owed to the City, \$3,157.35 a month for 12 months beginning September 1, 2005 in order to recover an overpayment.

Mr. Dredge 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

6. Consider a Resolution declaring that there is a need for the Housing Authority of the County of Salt Lake to exercise its powers within the boundaries of the City.

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura noted the Housing Authority of Salt Lake does have and does do business in our jurisdiction for purposes of bonds and other reasons, they need to have an authorization from the legislative body allowing to exercise its powers in the boundaries of the City.

Mr. Nakamura believes this is for purposes of their bond and financing of projects.

Mr. Dredge asked what are those powers?

Mr. Nakamura answered just the power to build and construct housing projects in Murray.

Ms. Dunn asked what have they done in the past?

Mr. Nakamura said, initially when we paid off a project we did have a resolution, however he asked Bond Counsel for a copy and they did not have one in their files, but does recall having a copy. This reaffirms the authorization.

Mayor Snarr noted he is quite sure there are houses on Hanaur Street that were built with assistance from the Housing Authority.

Mr. Nakamura noted we have contacted the Housing Authority on many occasions on assistance to projects which we have here in Murray, i.e., low income housing projects.

Mr. Robertson made a motion to adopt the resolution declaring there is a need for the Housing Authority of the County of Salt Lake to exercise its powers within the boundaries of the City.

Mr. Dredge 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Ms. Dunn
 A Mr. Dredge
 A Ms. Robertson
 A Ms. Brass

Motion passed unanimously.

G. MAYOR

1. Report

- ✓ Mayor Snarr thanked the Council for passing the resolution regarding the interlocal agreement with Taylorsville. We do cooperate with other cities, counties and the state and we also make sure that we cooperate with the school districts, within Murray City to the benefit of all therefore, it is a win-win situation.

- ✓ IHC - they are making progress on the asphalt and asphalt is being put down as we speak. In discussions with them, they will not do the landscape around the outside berm because it would require them to be there and maintain it. You won't see landscaping until the summer of 2007. They are trying to mitigate the dust as much as possible over there.
- ✓ The over pass at 53rd, they had to go back and tweak the metal a little bit. Some of the I-beams weren't quite right, but it is not going to prevent the bridge from being built to the specifications. They will be back shortly to set the I-beams.
- ✓ The overlay on 3rd West is complete, also 4800 South. They used Granite Construction on both these jobs and they got them both done on Sundays which helped us as far as the traffic.
- ✓ Some City projects are coming in way above budget and the Mayor said he supports going back out to bid in the January or February when they are hungry for work. and will bid it more reasonably.

2. Questions of the Mayor

- ✓ Ms. Dunn commented on yesterday's Labor Day Breakfast held up in the newly annexed area; what a great show of community spirit. There were at least 1500 people who showed up. Lou Peterson spearheaded the event.
- ✓ Mayor Snarr said 99.9% of those people up in that area are thrilled to be part of Murray. He had comments from people at first who were somewhat concerned, but they feel a sense of community they never had before and they feel like they are more valued citizens now and can actually give input.
- ✓ Gary Merrill helped remove tree limbs from the storm, because of the holiday weekend.
- ✓ Ms. Griffiths asked about Emergency Preparedness. Ms. Griffiths noted that all of us have a heightened awareness about emergency Preparedness in view of the events that have occurred just this last week with Hurricane Katrina. It has made Ms. Griffiths wonder if we are sufficiently prepared to handle something of that nature, and if we are prepared as we should be. She thought of her own personal situation, and told her kids, they are going to have a meeting and she is going to give each of them a back pack and they are going to check through it to make sure that they have everything they need.

Ms. Griffiths would like to know if we are adequately prepared and what is being done to address that.

Chief Rodriguez

Murray City does have a comprehensive plan written, but it is quite an extensive document. Right now it is in the review stages and you should be getting that soon to review and to adopt. It will take a little while to read, but the one thing you do bring up which is important is to give a document like that to the average citizen is really not a fair thing to do. So the average citizen needs a plan for them.

The City reps have reviewed the emergency preparedness plan the department heads too and know what to do in the City, but the average citizen needs to feel comfort in what they have to do.

It is going back to the Attorney's Office to be looked at again.

Chief Rodriguez wanted the Council to know there are two of our firemen back in New Orleans volunteering.

Mr. Brass asked where do you keep back packs if there is an earthquake and your house collapses and you can't get to it. Those are the things that citizens need to be reminded of. Smart places to store emergency equipment so that if something happens, they can still gain access to it. They interviewed a gentleman today who had a truck business and they asked him if he was insured and he said yes, but I can't get to the papers. Those are things you need to remember to recover.

Chief Rodriguez noted, the little points are the things that are going to save us. We really have to be aware of how we prepare because we don't know what a disaster is. If one leveled Murray we are not ready. We think of something we see on TV where some houses get knocked out and the streets get impassable. We have to get ready for the immediate. Where is the backpack? That might be all we have to live with for a while. What is one of the biggest priorities, how do we get to water?

Ms. Griffiths noted the importance of having cash in your individual packs. If they are millionaires, they can't go the ATM machines and get what they need to go to a store like WalMart if it is still standing, or an Albertsons.

Chief Rodriguez noted we need something very simple to go with it.

Ms. Dunn noted what a problem communications can be in a disaster. We look at some satellite phones under the homeland security every year. We have personal protection gear, but we know when you don't have communications, you are lost.

Chief Rodriguez is our Emergency Manager, and we are going to be working very closely. This is a priority. It will be an ongoing effort.

Mr. Dredge asked Chief Rodriguez if maybe an article in the Journal may help. Also, maybe work with some representatives at the neighborhood watch type meetings.

Mayor Snarr noted once we come up with a plan that identifies what the citizens need to do to respond, the Murray Journal has an opportunity to distribute that information to 16,000 different residents and businesses. It is really inexpensive to do it their way rather than us doing a mass mailing. We just provide the literature and they drop it in there.

We are preparing for the future by updating the infrastructure. We need to be flexible, and meet the needs of the crisis.

Chief Rodriguez said the City's job is to *Calm the Community*.

Mr. Robertson noted we need an EOC.

Chief Rodriguez noted our present EOC is marginal.

Chief Randy Willden

Chief Willden noted that CERT really does address the issues you have talked about. We need to get that message out. We had good support for about a year and a half and then the flavor of the month dropped off and people really became disinterested. We are going to renew interest in CERT. The Journal is a great option for us.

Chief Willden just got a call this afternoon, and through the grant process we received funding for an AM radio station. So if anyone wants to be my diskjockey come on over. Murray City will be broadcasting on AM 760 within about 30 days. That will give us the ability to broadcast one way, any emergency management, any PSA's we want to do in the City. It will give us the capability to get the information one way, and it will really be a boost to the City. Right now they have a transmitter at Fire Station 81 which will reach about 2/3 of the City coverage. They hope to, next year using grant monies, put that on the fiber network, and bring it up somewhere by the mall and cover the rest of the City.

Mayor Snarr said maybe IHC will allow for one at the hospital.

H. ADJOURNMENT

____ Recorded by: Carol Heales, City Recorder